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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT CALIFORNIA**

10	_____)	
11	COMMODITY FUTURES)	Case No: 3:19-cv-07284-EMC
	TRADING COMMISSION)	
12)	DECLARATION OF CARLIN
13	Plaintiff,)	METZGER IN SUPPORT OF
)	JOINT STIPULATION TO
14	vs.)	EXTEND DEADLINE FOR
)	DEFENDANTS TO RESPOND
15	DENARI CAPITAL, LLC, TRAVIS)	TO COMPLAINT, AND TO
16	CAPSON, ARNAB SARKAR,)	RESCHEDULE CASE
)	MANAGEMENT CONFERENCE
17	Defendants.)	
	_____)	

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20 Pursuant to Local Rule 6.2, I, Carlin Metzger, submit the following declaration in support of the
21 parties' Joint Stipulation to Extend the Deadline for Defendants to File An Answer Or Otherwise Plead,
22 and to Reschedule the Case Management Conference.

- 23 1. I am an attorney for the Commodity Futures Trading Commission ("CFTC") in this action.
- 24 2. The CFTC filed this action on November 5, 2019. (Complaint, D.E. # 1.)

3. On November 21, 2019 the parties filed a joint stipulation to set a briefing schedule on motions filed by the CFTC, and also requesting a deadline of January 6, 2020 for Defendants to file their answer or other responsive pleading. (D.E. # 25.)
4. On November 21, 2019, the Court entered a Case Management Order which, among other things, set the initial case management conference in this case for February 27, 2020. (D.E. # 26.)
5. On November 22, 2019, the Court entered an order setting a briefing schedule on the CFTC's motions, and setting a deadline of January 6, 2020 for Defendants to file their answer or other responsive pleading. (D.E. # 27.)
6. On December 3, 2019 the parties filed a joint stipulation for entry of a preliminary injunction order (D.E. # 36), and on December 4, 2019 the Court entered a Consent Preliminary Injunction order (D.E. # 37). Among other things, the Preliminary Injunction Order appointed a Temporary Receiver, and required Defendants to provide information to the Temporary Receiver and the CFTC.
7. Since that time, the parties have filed three joint stipulations to extend the deadline for Defendants to respond to the complaint, and to reschedule the Case Management Conference. (D.E. #'s 38, 48 and 52.) The Court has allowed these extensions. (D.E. # 39, 49 and 53.) The current deadline for defendants to respond to the complaint is April 27, 2020, and the Case Management Conference is set for May 28, 2020. (D.E. 53.)
8. The parties are continuing to cooperate with the Temporary Receiver to gather and process information relating to the Defendants' finances and operations.
9. In light of these developments, I conferred with the Temporary Receiver and counsel for the Defendants, and we reached an agreement to an extension of time for six weeks for the Defendants to file an answer or other responsive pleading. This will allow the parties additional time to focus efforts on cooperating with the Temporary Receiver to gather

1 necessary information in compliance with the Preliminary Injunction Order, and to work
2 towards potentially resolving the case without protracted litigation.

3 10. For the same reason, and also due to potential travel issues associated with the current
4 COVID-19 pandemic, the parties are seeking to reschedule the case management conference
5 that is currently scheduled for May 28, 2020.

6 11. The parties request that the conference be rescheduled for July 9, 2020, or at another later
7 date at the Court's convenience.

8 12. The parties request a deadline of June 8, 2020 for the Defendants to file an answer or other
9 responsive pleading.

10 13. This requested extension will not otherwise have an effect on the schedule for this case.

11 I declare under penalty of perjury under the laws of the United States of America that the foregoing is
12 true and correct.

13 Executed on this 24th day of April, 2020, in Chicago, Illinois:

14
15 /s/ Carlin Metzger
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